

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CORDELL CURRY STEWART,

8:08CV92

Plaintiff,

v.

**MEMORANDUM  
AND ORDER**

TOM P. MCKENNEY, STATE OF  
NEBRASKA, CITY OF OMAHA,  
and DOUGLAS COUNTY  
PROSECUTOR’S OFFICE,

Defendants.

The plaintiff filed a Motion to Appoint Counsel and to Proceed In Forma Pauperis. (Filing No. 4.) Because the plaintiff has paid the court’s filing fee in full, the court construes this only as a Motion to Appoint Counsel. However, the court cannot routinely appoint counsel in civil cases. In *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit Court of Appeals explained that “[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. . . . The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel.” *Id.* The court does not see the benefit of appointing counsel in this matter and the request for the appointment of counsel is therefore denied without prejudice.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Appoint Counsel (filing no. 4) is denied.

Dated May 12, 2008.

BY THE COURT

s/ Warren K. Urbom  
United States Senior District Judge